



Don't be fooled by the calendar. There are only as many days in the year as you make use of.

Charles Richards

Minimum Wage Increase

Montana workers earning minimum wage will see an increase from \$7.35 per hour to \$7.65 per hour on January 1, 2012, pursuant to Montana Code Annotated 39-3-409.

Initiative 151, enacted by Montana voters in 2006, proposed raising the state's minimum wage to be the greater of either the current state or federal minimum wage. It also added an annual cost-of-living adjustment to the state minimum wage.

Montana Code Annotated 39-3-409 requires a minimum wage adjustment annually based on changes in inflation as measured by the Consumer Price Index (CPI) from August of the year in which the calculation is made. An adjustment to the minimum wage is to be calculated no later than September 30th of each year based upon any increase in the CPI rounded to the nearest five cents.

The current 2011 minimum wage rate is \$7.35. Based on an increase in the CPI of 3.8% from August, 2010, to August, 2011, the calculation used for determining the minimum wage rate for 2012 is as follows:

$$\$7.35 \times 0.038\% = \$0.28, \text{ rounded to } \$0.30$$

*The best things in life are FREE. **Lew Brown***

Get your FREE employment posters at your local Job Service Workforce Center.

Unemployment Rate Schedule

The Department of Labor and Industry announced that the Unemployment Insurance Rate Schedule will remain unchanged in 2012.

Legislation initially passed in 1979 sets the Unemployment Insurance Rate Schedule for each calendar year. There are 11 schedules as provided by law and the rates are holding steady at schedule seven. The contribution rates in 2012 will average 2.32%; the same as 2011. However, individual employer rates can go up or down depending on their own experience with UI.

The rates have shifted among schedules more than 11 times since the law was passed. Seven of those shifts have been decreases and only four have been increases since 1985. During the same time period, the premiums were set using the minimum rate schedule for 10 consecutive years.

The Montana UI Trust Fund is one of the most solvent in the nation. Currently 28 states have depleted their trust funds and have borrowed \$38.1 billion from the federal trust fund to pay ongoing benefits. Montana does not anticipate having to borrow to pay benefits because of its sound trust fund reserves and rate structure.

Individual employer rate information have been calculated and mailed to employers in mid-December. For general information on UI rates, please visit: www.uid.dli.mt.gov



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Will you need to display the National Labor Relations Board Poster?

The Board has statutory jurisdiction over private sector employers whose activity in interstate commerce exceeds a minimal level. Over the years, it has established standards for asserting jurisdiction, which are described below. As a practical matter, the Board's jurisdiction is very broad and covers the great majority of non-government employers with a workplace in the United States, including non-profits, employee-owned businesses, labor organizations, non-union businesses, and businesses in states with "Right to Work" laws.

Retailers

Employers in retail businesses fall under the Board's jurisdiction if they have a gross annual volume of business of \$500,000 or more. This includes employers in the amusement industry, apartment houses and condominiums, cemeteries, casinos, home construction, hotels and motels, restaurants and private clubs, and taxi services. Shopping centers and office buildings have a lower threshold of \$100,000 per year.

Non-retailers

For non-retailers, jurisdiction is based on the amount of goods sold or services provided by the employer out of state ("outflow") or purchased by the employer from out of state ("inflow"). Outflow or inflow can be direct or 'indirect', passing through a third company such as a supplier. The Board takes jurisdiction when annual inflow or outflow is at least \$50,000.

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Special categories:

Channels of interstate commerce: For businesses providing essential links in the transportation of goods or passengers, including trucking and shipping companies, private bus companies, warehouses and packing houses, the minimum is \$50,000 in gross annual volume.

Health care and child care institutions: Hospitals, medical and dental offices, social services organizations, child care centers and residential care centers with a gross annual volume of at least \$250,000 are under NLRB jurisdiction; for nursing homes and visiting nurses associations, the minimum is \$100,000.

Law firms and legal service organizations: The minimum is \$250,000 in gross annual volume.

Cultural and educational centers: For private and non-profit colleges, universities, and other schools, art museums and symphony orchestras, the annual minimum is \$1 million.

Federal contractors: Federal contractors are required by the Department of Labor to post a similar Notice of Employee Rights under the NLRA. There is no need to post an additional poster; the DOL poster will satisfy the NLRB's requirement.

Religious organizations: The Board will not assert jurisdiction over employees of a religious organization who are involved in effectuating the religious purpose of the organization, such as teachers in church-operated schools. The Board has asserted jurisdiction over employees who work in the operations of a religious organization that did not have a religious character, such as a health care institution.

Indian tribes: The Board asserts jurisdiction over the commercial enterprises owned and operated by Indian tribes, even if they are located on a tribal reservation. But the Board does not assert jurisdiction over tribal enterprises that carry out traditional tribal or governmental functions.

The following employers are excluded from NLRB jurisdiction by statute or regulation:

- Federal, state and local governments, including public schools, libraries, and parks, Federal Reserve banks, and wholly-owned government corporations.

- Employers who employ only agricultural laborers, those engaged in farming operations that cultivate or harvest agricultural commodities or prepare commodities for delivery.
- Employers subject to the Railway Labor Act, such as interstate railroads and airlines.

For additional information about the NLRB, click on the website shown below:

<http://www.nlr.gov/faq/nlr>

Keep a positive attitude

Your attitude as a manager or supervisor will be a major factor in determining what the climate is within your work group. Your attitude is one of the few things that is totally under our control.

Be upbeat, positive, and enthusiastic. The attitude and morale of your subordinates will be favorably influenced. They will perform better and that makes your job as a supervisor a lot easier.

Change can be aggravating, confusing, and stressful. Look at it as a test of your emotional resilience. Anybody can be cheerful when things are rosy. The question is, when circumstances really test your ability to perform as a leader, will you measure up? Will you be the right kind of role model for your subordinates?

You don't have to be a Pollyanna, or ignore the reality of aggravating situations, in order to demonstrate a positive mindset.

Look at organizational change as a personal challenge. Seek out the opportunities that change presents.

New Year's Resolution: To tolerate fools more gladly, provided this does not encourage them to take up more of my time.

James Agate

Work Is Hard!

My how times have changed! Do you feel like you have to deal with too many rules? Consider the following list of rules recovered from a ruined London office building (the list was dated 1852):

- This firm has reduced its hours of work, and the clerical staff will now only have to be present between the hours of 6 a.m. and 7 p.m. weekdays.
- Clothing must be of a sober nature. The clerical staff will not disport themselves in raiment of bright colors, nor will they wear hose unless in good repair.
- A stove is provided for the benefit of staff. Coal and wood must be kept in the locker. It is recommended that each member of the staff bring four pounds of coal each day during cold weather.
- No member of the clerical staff may leave the room without permission from the supervisor.
- No talking is allowed during business hours.
- Members of the staff will provide their own pens.
- The owners recognize the generosity of the new labor laws but will expect a great rise in output of work to compensate for these near-Utopian conditions.



POSTERS!

Remember to ask Job Service for your 5-in-1, USERRA, Clean Air Act, and National Labor Relations Act Posters.

Don't let private companies make you believe you have to pay for them.

Job Service provides them at no cost to you.

Just call (406) 582-9200 and ask for your employment law posters.

Pursuant to Montana Code Annotated 39-3-409, the Montana minimum wage will increase to \$7.65 per hour effective January 1, 2012.

Montana's wage and hour information may be viewed at:

<http://erd.dli.mt.gov/labor-standards/wage-and-hour-wage-payment-act.html>

A NEW EMPLOYER RESOURCE!!

A new tool is available for employers who have employees or are planning on hiring. This document is titled "The Basic Nuts & Bolts of Managing Employees".

This resource is a compilation of documents such as a model policies template and problematic application questions document. Included is a Table of Contents to allow you to have the option of viewing or printing a specific section of the document quickly.

To access this document and others that you might find helpful, please visit:

http://wsd.dli.mt.gov/service/employer_resources.asp

From the end spring new beginnings.

Pliny the Elder

BOZEMAN JOB SERVICE

NEWSLINE

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